

ENTERED

January 07, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CAROL L. HYMES, ET AL.,

§

Plaintiffs.

§

VS.

§

Civil Action No. 4:19-cv-00515

AMCAP MORTGAGE, LTD., ET AL.,

§

Defendants.

§

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On September 9, 2020, Defendants' Motion for Summary Judgment (Dkt. 41) was referred to United States Magistrate Judge Andrew M. Edison pursuant to 28 U.S.C. § 636(b)(1)(B). Dkt. 49. On November 17, 2020, Judge Edison filed a Memorandum and Recommendation (Dkt. 53) recommending that Defendants' Motion for Summary Judgment (Dkt. 41) be **GRANTED** in part and **DENIED** in part.

On December 1, 2020, Plaintiffs filed their Objections. *See* Dkt. 54. In accordance with 28 U.S.C. § 636(b)(1)(C), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* FED. R. CIV. P. 72(b)(3).

The Court has carefully considered the Objections; the Memorandum and Recommendation; the briefing; and the record. The Court **ACCEPTS** Judge Edison's

Memorandum and Recommendation and **ADOPTS** it as the opinion of the Court. It is therefore **ORDERED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 53) is **APPROVED AND ADOPTED** in its entirety as the holding of the Court; and
- (2) Defendants' Motion for Summary Judgment (Dkt. 41) is **GRANTED** in part and **DENIED** in part. Plaintiffs' dual tracking claim arising from the September 25, 2018 loss mitigation application against Lakeview Servicing, LLC and Cenlar FSB remains. All other claims, including those against AmCap Mortgage, Ltd., are dismissed.

It is so **ORDERED**.

SIGNED and ENTERED this 7th day of January, 2021.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE